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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$57,378 IN UNITED
STATES CURRENCY,

Defendant.

KAP S. SIMS,

Claimant.

No. 08-5023 WHA

STIPULATION AND ORDER
CONTINUING CMC

For reasons explained below, the parties agree, subject to the Court's approval, that the case management conference be rescheduled after the court has ruled on the related case issue.

See Notice of Related Cases, filed February 11, 2009.

By order entered February 12, the Court rescheduled the case management conference for February 26, 2009. The undersigned Assistant United States Attorney, however, will be in South Carolina on business from February 23 through February 27, 2009, which was scheduled several months ago. Counsel for claimant has graciously agreed to accommodate the undersigned's

1 schedule by either taking the CMC temporarily off calendar or by rescheduling to the afternoon
2 of March 5, 2009. Counsel for claimant is unavailable in the morning of March 5.

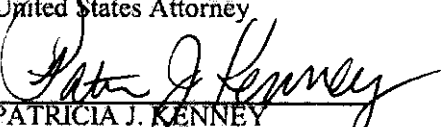
3 Under Federal Rules of Civil Procedure Rule 1, courts are to required to consider whether
4 their actions will result in the "just, speedy, and inexpensive determination of every action and
5 proceeding." If the cases are determined to be related, the court's general practice is to vacate all
6 of the previously assigned judge's prior scheduling orders in an accommodation to the schedule
7 of the newly assigned judge. If the court determines that the civil and criminal cases are related,
8 then all previously scheduled matters will be taken off calendar and rescheduled. A primary
9 purpose of the CMC is to set a schedule in a given case.

10 By rescheduling the CMC after the resolution of the related case issue and after the court
11 and parties know whether all matters will be rescheduled, then expenses to claimant Sims' - who
12 is not a wealthy woman - from the hours her counsel has to spend traveling from southern
13 California and participating in a CMC may be saved as well as conserving the Court's and
14 counsels resources.

15 IT IS SO STIPULATED:

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17 Dated: February 12, 2009

JOSEPH P. RUSSONIELLO
United States Attorney


PATRICIA J. KENNEY
Assistant United States Attorney
Attorney for the United States

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21 Dated: February 12, 2009

LAW OFFICES OF ALEX KESSEL


ALEX KESSEL
Attorney for Claimant Kap S. Sims

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24 PURSUANT TO THE FOREGOING STIPULATION IT IS SO ORDERED ON THIS _____

25 DAY OF _____, 2009 The case management conference is CONTINUED to
26 3/5/2009 at 3:00 p.m.

27 Dated: 2/17/2009.

HONORABLE WILLIAM S. ALSUP
United States District Judge

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Stip & Order
No. 08-5023 WHA

